REMARKS

Claims 6-15 and 20-25 are pending in the application. Entry of the amendments to claims 6, 11, and 20 is kindly requested. No new matter has been added. Reconsideration and allowance of Applicant's claims are respectfully requested in view of the following remarks.

Claims 6, 7, 11, 12, and 20 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent 6,842,446 to Everson et al. ("Everson"). This rejection is respectfully traversed.

Applicant's claim 6 recites, among other things, "an aggregation module for receiving the plurality of data packets from the buffer manager and aggregating at least two data packets having a same destination address among the plurality of received data packets to form a single aggregated packet." Applicant's claims 11 and 20 recite, among other things "generating a single aggregation packet from the aggregated packets by adding a header to the aggregated data packets, the header including the destination address of the aggregated data packets." Everson is silent with regard to at least these features of Applicant's claims 6, 11, and 20.

Everson describes the network interface 26 may **divide a stream of packets into four streams** of packets (or sub-streams) for transmission to the access aggregator 24. Each sub-stream of packets may use a source address corresponding to the communication channel used to transmit that sub-stream. The network interface 26 may also modify the destination address to identify respective wireless devices. The sub-streams of packets are transmitted over their respective communication channels. The access aggregator 24 receives the sub-streams of packets transmitted by the network interface 26 over the communication channels. The access aggregator 24 modifies the sub-streams of packets to reform the original **stream** of packets sent by the remote device 40. The access aggregator 24 may change the source address in the received packets to reflect the remote device 40 as the source of the original packet stream. The access aggregator 24 may also change the destination address in the received packets to identify the network device 20 as the intended destination of the packets. The access aggregator 24 may then send the packets to the network device 20.

However, Everson does **NOT** describe aggregating at least **two data packets** to form **a single aggregation data packet** as recited in Applicant's claims. At best Everson describes

combining several streams of data packets into a single stream of data packets (See, e.g., col. 3 ll. 30-33 "The network interface 26 can receive the four sub-streams transmitted by the access aggregator 24. The network interface 26 may then modify the four sub-streams to reconstruct the single packet stream original[ly] transmitted by the network device 20.") Similarly, Everson describes modifying the header of individual packets or encapsulating individual packets, but does not describe generating a single aggregation packet by adding one header to multiple aggregated packets.

The Action in response to Applicant's arguments states:

> Examiner respectfully disagrees; Everson discloses a method of aggregating sub streams, sub-packets, at the access aggregator 24. Originally stream, packet, are broken into multiple sub-streams for transmission over respective communication channels 28, 30, 32, and 34. At the receiving end 24, access aggregator, the received sub-streams, destined to the same final destination are aggregated, not necessarily in order. col.3, lines 29-46. Therefore, it is believed that Everson clearly discloses aggregation packet by aggregating sub-packets.

Everson states, for example, the access aggregator may assign a first pack received to the first substream, a second packet to a second substream, and a third packet to a third substream. The fourth packet received is assigned to the first substream. The packets received at the other end may then be used to reconstruct the original steam. However, Applicant points out that reconstructing a steam of individual packets does NOT equate to forming a single aggregation packet using two or more packets as recited in Applicant's claims. Everson is silent with regard to aggregating two or more packets to form a single aggregation packet. Applicant can find no description in Everson where two packets are used to form a single packet.

As Everson does not describe each and every element of Applicant's claimed invention, Everson cannot anticipate claims 6, 11, and 20.

It is respectfully submitted that claims 7 and 12 depend from claims 6 and 12, respectively, and are allowable for at least the reasons given above for claims 6 and 12.

Since Everson does not describe each and every element of Applicant's claim, it cannot serve as a basis for rejection under 35 USC § 102(e). Therefore, it is respectfully requested that the rejection of claims 6, 7, 11, 12, and 20 be reconsidered and withdrawn.

Claims 8 and 13 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Everson in view Applicant's alleged admitted prior art of Fig. 2. This rejection is respectfully traversed.

Claims 8 and 13 depend from claims 6 and 11 respectively. Claims 6 and 11 both recite the data packets aggregated include destination and length information in the header. However, Fig. 2 and its corresponding description are silent with regard to a header including length information.

As a result, the proposed combination fails to describe or suggest all of the elements of Applicant's claims 8 and 13 therefore does not establish a *prima facia* case of obvious under Section 103 with regard to claim 8 and 13. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 9, 10, 14, and 15 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Everson in view of U.S. Patent Application Pub. No. US 2004/0174877 to Masputra et al. ("Masputra"). This rejection is respectfully traversed.

Claims 9, 10, 14, and 15 ultimately depend from claims 6 and 11, respectively. It is respectfully submitted that Masputra does not provide for any of the deficiencies of Everson noted above with respect to claims 6 and claim 11, and these claims are believed to be allowable for at least the reasons given above for claims 6 and 11.

In particular, Masputra also does not describe formation of an aggregation packet. Masputra describes aggregating packet data in a buffer at a receiver for use by a data application. Header data is removed from the packets, and the packets are aggregated or stored in a buffer for use by the application. However, no description is provided of forming Applicant's claimed aggregation packet, and transmitting the aggregation packet in a wireless communications system.

As a result, even if assuming *arguendo* that Masputra is combined with Everson, the combination fails to describe or suggest all of the elements of Applicant's claims and therefore

does not establish a *prima facia* case of obvious under Section 103 with regard to claims 9, 10, 14, and 15. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

The action states claims 20-25 are rejected for the same reasons as claims 6-15; however, with the exception of claim 20 it does not identify which claims are rejected under which combination of references. As a result, Applicant is unable to respond other than to state claims 21-25 depend from claim 20 and are believed to be allowable for the reasons given for claim 20 above. Applicant respectfully requests the rejection of claims 20-25 be withdrawn.

It is respectfully submitted that all claims are in condition for allowance, and early notice of the same is respectfully solicited. If any questions remain, the Examiner is invited to contact Applicant's representative at the telephone number listed above.